

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SQUARE, INC.,
Petitioner,

v.

REM HOLDINGS 3, LLC,
Patent Owner.

Case IPR2014-00312
Patent 8,584,946

Before DENISE M. POTHIER, JENNIFER S. BISK, and
PATRICK R. SCANLON, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

ORDER
Request to File Motion for Sanctions
37 C.F.R. § 42.5

On July 7, 2015, we issued a Final Written Decision finding unpatentable claims 1, 2, 6, 7, and 10–17 of U.S. Patent No. 8,584,946 (“the ’946 patent”). Paper 58, 38. As for remaining claims 3–5, 8, and 9, we determined that Petitioner had not shown unpatentability by a preponderance of the evidence. *Id.* Two weeks later, on July 21, 2015, Petitioner emailed the Board requesting authorization to file a motion for sanctions related to alleged Patent Owner misconduct at oral hearing, which took place on March 12, 2015. *See* Paper 57 (Transcript). Specifically, Petitioner referenced certain discussions pertaining to claims 3–5, 8, and 9 that were allegedly raised by Patent Owner for the first time at the hearing. Patent Owner sent an email opposing Petitioner’s request. A conference call was held July 30, 2015, and attended by the above-identified panel members and respective counsel for the parties.¹

A motion for sanctions based on alleged misconduct may not be filed without prior authorization. *See* 37 C.F.R. § 42.20(b). We determine that Petitioner’s request is untimely. Petitioner waited more than four months after the date of the alleged misconduct, and two weeks after we issued the Final Written Decision in this proceeding, to request relief. Accordingly, Petitioner’s request for authorization to file a motion for sanctions is denied.

It is

ORDERED that Petitioner’s request for authorization to file a motion for sanctions is *denied*.

¹ A court reporter was also present on the call. A transcript of the call will be uploaded as an exhibit in this proceeding when it is available.

IPR2014-00312
Patent 8,584,946

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